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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/681,064

12/15/2000

Andrew L. Bliss

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02/03/2005

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EXAMINER

YIGDALL, MICHAEL J

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/681,064

Applicant(s)

BLISS ET AL.

Examiner

Michael J. Yigdoll

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

THE REPLY FILED 14 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-11, 14-40 and 42-50.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5:

Applicant's arguments have been fully considered but they are not persuasive.

Applicant contends that You does not disclose a single debugging engine for debugging a plurality of debuggees having different debugging type attributes and/or different processor attributes, and contends that You instead discloses, at most, a debugging engine for a single debugging type block and for a single debugging processor (Applicant's remarks, page 13, last paragraph). Specifically, Applicant contends that You does not disclose the limitation, "each debuggee having a processor attribute selected from a plurality of processor attributes and representative of a type of processor associated with a debuggee" (Applicant's remarks, page 15, second paragraph). Likewise, Applicant contends that You does not disclose "an engine for performing debugging functions with respect to any of the plurality of debuggees" (Applicant's remarks, page 15, last paragraph).

However, the portable debugging services (PDS) disclosed by You "can be executed on a wide variety of platforms, which may vary in their microprocessor family, number of processors, processor register sizes ... and a multitude of other parameters" (column 9, lines 17-25), as Applicant acknowledges (Applicant's remarks, page 16, first paragraph). This "allows a programmer to simultaneously cross-debug programs on more than one target environment using a single debugger" (column 1, lines 27-30). Applicant suggests that the portability taught by You applies only to the PDS architecture, rather than to any single implementation of the architecture (Applicant's remarks, page 16, first paragraph). Nonetheless, it is the PDS architecture that defines the abstractions of the debugger objects, as well as the configuration and interaction of instances of those objects (column 5, lines 47-55). The portable debugging system, therefore, is a single engine for performing debugging functions with respect to any of a plurality of debuggees; the portable debugging system simply instantiates a "server debugger object" for the particular environment of the debuggee (column 4, lines 41-50). The attributes of the particular environment, such as the microprocessor family (i.e., the processor type), are considered to be attributes of the debuggee. Although Applicant suggests that the processor and "target operating system" identified by You correspond to the debugger and not to the debuggee (Applicant's remarks, page 15, second paragraph), the target environment is in fact the environment in which the "debugged program," "target program" or "target process" (i.e., the debuggee) executes (column 7, lines 49-61), as Applicant appears to acknowledge (Applicant's remarks, page 15, last paragraph). Moreover, You also illustrates in FIG. 2 that the target process is the debuggee (column 9, lines 40-44).

It is also noted that certain features upon which Applicant relies, such as "the debugger itself may emulate several processors and modes" (Applicant's remarks, page 14, first paragraph), are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

MY



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**